

National Joint Council for local government services

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**To: Chief Executives in England, Wales and N Ireland
(copies for HR and Finance Directors)
Members of the National Joint Council**

23 March 2020

Dear Chief Executive,

COVID-19: critical workers

Please continue to visit the LGA's [Coronavirus: information for councils](#) webpage for all up to date advice.

All information contained in this circular is correct at time of publication but all links to external government websites should be checked regularly as official advice is likely to be updated as the situation continues to develop.

The government has published guidance on the definition of 'critical workers' for the purpose of school attendance during the current COVID-19 crisis. **Local government staff are likely to be critical to the delivery of the COVID-19 response irrespective of their formal role; in schools this includes teaching assistants and other support staff.** As the Prime Minister has noted, the duration and effects of the pandemic are unknown at this stage and therefore the types of work deemed to be critical may expand and change over time, so no list can be regarded as complete.

Employers should be mindful of the pressure categorising workers as critical workers will have on those working in schools, while using their discretion to determine which categories of employee are reasonably needed to deliver the COVID-19 response.

From today [all schools will be closed](#) except those providing education provision for critical workers or for vulnerable children. Vulnerable children include children who are supported by social care, those with safeguarding and welfare needs, including child in need plans, on child protection plans, 'looked after' children, young carers, disabled children and those with [education, health and care \(EHC\) plans](#).

The government's information on who might constitute a critical worker can be found [here](#).

Our [circular of 17 March](#) set out the expected announcement, made yesterday, that people with [clinical conditions which put them at even higher risk of severe illness](#) from COVID-19 will this week be contacted directly by the NHS and told to remain in their homes and await individual contact about how their conditions will be managed in order to keep themselves and others safe. The circular also

listed health conditions that categorise employees who are at increased risk of severe illness from COVID-19 who are being asked to be particularly stringent in following social distancing measures. **Employees in both groups should not be expected to attend the workplace.** All options for working at home should be considered, as well as for those employees who live with and / or have caring responsibilities for people in the two groups. However, as previously advised, employers will have no option other than to accept that some employees will be staying at home on full pay for the duration of this emergency as they are not able to work from home.

It is not a precise list of role definitions, rather an outline of what types of work could lead to someone being deemed a critical worker. Employers will be considering where staff with particular skills and qualifications can be best used, for example any staff with valid DBS clearance may be sensibly refocused during this period irrespective of their formal role.

We would remind employers of the more general guidance from the NJC regarding redeployment and the need to ensure volunteers are sought first (volunteers should not be sought from employees who live with and / or have caring responsibilities for people in the vulnerable groups referenced above) and relevant training and risk assessments are undertaken (see [NJC circular dated 17 March](#)).

Unless there are urgent, mitigating reasons, employers should not require staff who do not have experience of supervising large groups of children as part of their usual role, to be doing so now without adequate support being provided. Employees who agree to undertake a different role and / or working pattern should suffer no financial detriment and continue to be paid at their usual contracted rate. Where employees are temporarily undertaking roles that are paid at a higher rate than their usual contracted rate, they should receive the higher rate of pay for the duration of the assignment / redeployment

For workforces relating to local government, the most relevant descriptions are listed below. Please note this is not an exhaustive list and the [DfE guidance](#) should be referred to directly.

- Social Workers
- Care workers
- Frontline health and social care staff and those required to maintain the sector
- Childcare, support and teaching staff in schools and relevant specialist education professionals required to support this provision
- Staff essential to the operation of the justice system
- Workers delivering key frontline services
- Staff involved in the management of the deceased
- Administrative staff in local government essential to the delivery of the COVID-19 response
- Staff delivering essential public services such as payment of benefits
- Staff involved in the distribution of food or other key goods
- Police and police support staff
- Fire and rescue staff and support staff
- Transport workers
- Utilities workers
- Probation staff
- IT staff necessary to support COVID-19 response
- Call centre staff
- Payment providers
- Waste disposal services (which we interpret as including domestic and commercial refuse / bin collection)

In addition, other workers described include:

- Armed forces personnel
- MoD civilian staff and contractors
- National Crime Agency
- Border security
- Prison staff
- National security staff
- Religions and charity staff
- Journalists and broadcasters

This does not mean children of all workers in these categories can or will continue to send their children to school. Many parents working in these sectors may be able to ensure their child is kept at home. **Every child who can be safely cared for at home should be.** Employees should be advised that education leaders have made an urgent request that as many children as possible should be cared for at home if arrangements can be made, in order to avoid overloading remaining school capacity.

However, if a parent's / guardian's work is critical to the COVID-19 response or is in a key sector such as health and social care and the child / children cannot be kept safely at home, then priority will be given for continued education provision.

The key principles DfE outline are as follows:

1. If it is at all possible for children to be at home, then they should be
2. If a child needs specialist support, is vulnerable or has a parent who is a critical worker, then educational provision will be available for them
3. Parents should not rely for childcare upon those who are advised to be in the stringent social distancing category such as grandparents, friends or family members with underlying conditions
4. Parents should also do everything they can to ensure children are not mixing socially in a way which can continue to spread the virus. They should observe the same social distancing principles as adults
5. Residential special schools, boarding schools and special settings continue to care for children wherever possible

Process for those needing continued education provision

If employees think they fall within the critical categories above they should confirm with their employer that, based on their business continuity arrangements, their specific role is necessary for the continuation of this essential public service. Schools and local authorities will be coordinating so, if one school is closed, the authority will redirect to one that is open.

Please keep checking the government guidance linked to above as it may change as the situation develops.

Yours sincerely,

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